

Court of Appeals, State of Michigan

ORDER

People of MI v William Meyers

Docket No. 285206

LC No. 06-012525-01

Kirsten Frank Kelly
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

Defendant's application to take a delayed appeal was filed more than twelve months after the entry of the judgment of sentence, and within 21 days after the trial court's order denying defendant's motion for a new trial. Yet, defendant's appointed appellate counsel, James C. Hall (P-39216), acknowledged in a statement filed with this Court that he filed the motion for a new trial on March 10, 2008, beyond the six-month deadline set forth under MCR 7.205(F)(4), solely due to his error. Thus, defendant was deprived an appeal of his conviction and judgment of sentence, due to constitutionally ineffective assistance of appellate counsel. See *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); *People v Kipfer*, 480 Mich 990 (2007).

Accordingly, on the Court's own motion, the Clerk's Office is directed to docket defendant's application to take a delayed appeal as having been filed within the deadline set forth in MCR 7.205(F). Within 21 days of the certification of this order, attorney Hall shall pay \$250 in costs to the Clerk of this Court. These costs are personal to attorney Hall and cannot be charged back to the county.

The motion to extend time to file a Standard 4 Brief is GRANTED.

Having accepted the application as timely filed and having reviewed the issues raised in the brief in support and the Standard 4 brief, the Court further orders that the application to take a delayed appeal is DENIED for lack of merit in the grounds presented.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 31 2008

Date

Sandra Schultz Mengel
Chief Clerk